

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
PERSONAL INJURY

Ryan Dee, as trustee for the heirs and next of
kin of Kathi Babinski,

Case No:
Judge:

Plaintiff,

v.

FIRST AMENDED COMPLAINT

Donald Babinski, Individually and as Personal
Representative for the Estate of John
Babinski; and Janice's Estates, a Minnesota
General Partnership.

Defendants.

Plaintiff, for his claims for relief, state and allege that:

1. On April 19, 2007, Plaintiff Ryan R. Dee was appointed trustee to maintain the above-captioned wrongful death claim on behalf of the heirs and next-of-kin of Kathi Susan Babinski.
2. Upon information and belief, Defendant Donald Babinski is a resident of the State of Florida and is the lawfully appointed personal representative of the Estate(s) of John Babinski. The Estate(s) of John Babinski are being or have been probated in the Probate Court(s) in Crow Wing County, Minnesota and/or Minnehaha County, South Dakota.
3. Upon information and belief, Defendant Donald Babinski, in his individual capacity, owns 99% and is the general partner of Defendant Janice's Estates, a Minnesota general partnership, that owns and operates real estate including apartment buildings in Crow Wing County, Minnesota.
4. Upon information and belief, Defendant Janice's Estates, a Minnesota partnership, is the registered owner of a 2004 Dodge Ram pickup truck involved in the crash that took the life of Kathi Susan Babinski.
5. At the time of his death, John Babinski resided in Crow Wing County, Minnesota.
6. At the time of her death, decedent Kathi Susan Babinski resided in Crow Wing County, Minnesota.



7. Decedent Kathi Susan Babinski was born on January 10, 1954, in Minneapolis, Minnesota and died on December 10, 2006, as a result of injuries sustained in a single motor vehicle crash that occurred on County Road 18, ¼ mile west of County Road 4, in the Township of Lake Edward, County of Crow Wing, State of Minnesota.

8. At the time of her death, Kathi Susan Babinski was a passenger in a 2004 Dodge Ram pickup operated by her late husband, John Babinski, and owned by Janice's Estates, a Minnesota general partnership.

9. The crash that took the life of Kathi Susan Babinski was caused by the negligence and carelessness of the late John Babinski consisting of but not limited to driving while intoxicated; driving too fast for conditions then existing; failing to maintain proper lookout and control and other negligent acts.

10. As a result of the death of Kathi Susan Babinski, her heirs have suffered the loss of her guidance, counsel, aid, comfort, assistance, protection and means of support, have paid out certain sums of money providing for a proper funeral and burial, and have otherwise suffered damages and pecuniary loss, all to their damage in an amount greater than Fifty Thousand and no/100 (\$50,000) Dollars.

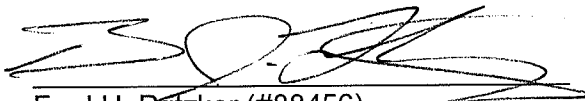
WHEREFORE, Plaintiff Ryan Dee as trustee for the heirs and next-of-kin of Kathi Susan Babinski prays judgment against Defendants Donald Babinski individually and as personal representative of the Estate of John Babinski, and Janice's Estates, a Minnesota general partnership, and each of them, in an amount greater than Fifty Thousand and no/100 (\$50,000) Dollars, together with interest, costs and disbursements incurred herein.

Date:

1/4/08

PRITZKER|RUOHONEN & ASSOCIATES, P.A.

BY:



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